

**IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**ELLA JANE McCRAY,**

**Plaintiff,**

**v.**

**CITY OF EUFAULA, ALABAMA,  
STEVE HANNERS, and DAVID  
DUBOSE,**

**Defendants.**

**Case Number 2:06-cv-309-MHT**

**MOTION TO STRIKE AMENDED COMPLAINT AND  
TO DISMISS ACTION WITH PREJUDICE**

Defendants the City of Eufaula, Alabama, Steve Hanners, and David Dubose move to strike the plaintiff's amended complaint and to dismiss this action with prejudice. This motion is based upon Federal Rules of Civil Procedure 12(e) and 41(b). A supporting memorandum is filed contemporaneously with this Motion.

**/s/ James H. Pike**

James H. Pike (PIK003)  
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and the City of Eufaula, Alabama

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**/s/ Alyce S. Robertson**

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**CERTIFICATE OF SERVICE**

I, James H. Pike, certify that on May 22, 2006, I electronically served a copy of this document upon:

Benjamin E. Meredith  
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**/s/ James H. Pike**

James H. Pike